

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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| In Re: |) | Case No. 22-40026-659 |
| |) | Chapter 7 Proceeding |
| TERRENCE R. LEE, |) | |
| |) | Hearing Date: August 1, 2022 |
| |) | Hearing Time: 10:00 a.m. |
| Debtor. |) | Hearing Location: Courtroom 7 North |
| |) | Objection Deadline: August 1, 2022 |

ORDER GRANTING TRUSTEE’S EMERGENCY MOTION TO COMPEL TURNOVER

This matter comes before the Court on August 1, 2022 on *Trustee’s Emergency Motion to Compel Turnover* [Dkt. 18] (the “Motion”) filed by Charles W. Riske (“Trustee”), trustee in bankruptcy for Terrence R. Lee (“Debtor”). Present at said hearing in person were the Trustee, Robert E. Eggmann, attorney for the Trustee, Debtor and Charles Taylor, attorney for the Debtor. Assistant U.S. Trustee Paul Randolph appeared via telephone.

Counsel for the Trustee made an offer of proof as to the Motion and no party objected to the offer of proof. Accordingly, the offer of proof is accepted by the Court. Debtor advised the Court that he had received approximately \$51,300.00 from a life insurance policy on the life of Toran McCoy. Further, Debtor through his counsel told the Court and the parties that he brought with him to Court \$25,000.00 in cash (when counted by the parties the amount turned out to be \$24,500.00). Additionally, Debtor advised the Court he was in possession of an additional \$14,000.00 at his home. The \$24,500.00 and the \$14,000.00 are proceeds of the life insurance policy. Debtor’s counsel told the Court that Debtor used the remaining funds on airplane tickets for his kids, school supplies, rent and a \$5,000.00 retainer to the law firm of Rosenblum, Schwartz & Fry. Based upon the Trustee’s offer of proof, the Trustee’s oral argument and the argument and comments offered by Debtor and his counsel, the Court finds that grounds exist to grant the relief requested in the Motion, Therefore, it is hereby

ORDERED that the Motion to Compel Turnover is GRANTED. Debtor is to immediately turnover to the Trustee \$51,300.00 representing the life insurance proceeds received by Debtor from New York Life Insurance Company to be turned over as set forth below.

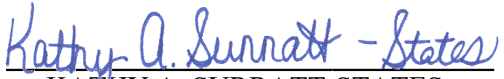
IT IS FURTHER ORDERED that Debtor shall immediately turnover to the Trustee, the cash that he brought to court in the amount of \$24,500.00.

IT IS FURTHER ORDERED that Debtor shall turnover the additional \$14,000.00 in cash on August 1, 2022 to the Trustee's attorney, Robert E. Eggmann, at his office located 120 South Central Ave., Suite 1800, Clayton, Missouri 63105.

IT IS FURTHER ORDERED that the Trustee and or his attorney Robert E. Eggmann are authorized and directed to contact Rosenblum Schwartz & Fry and demand the turnover the \$5,000.00 paid to said law firm by Debtor on or about July 30, 2022.

IT IS FURTHER ORDERED that Debtor shall turnover any and all such additional amount as may be necessary to ensure the full \$51,300.00 is turned over to the Trustee.

IT IS FURTHER ORDERED that the Trustee Charles W. Riske is authorized and directed to take the \$24,500.00 and any additional cash he may receive from Debtor to the bank or banks of his choosing to convert said cash to a cashier's check or bank check payable to "Charles W. Riske, Trustee." The funds shall then be deposited in an account for the benefit of the Terrence R. Lee bankruptcy estate.


KATHY A. SURRATT-STATES
U.S. Bankruptcy Judge

DATED: August 2, 2022
St. Louis, Missouri
jjh

Order Prepared By:
Robert E. Eggmann
Carmody MacDonald, P.C.
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St. Louis, Missouri 63105
(314) 854-8600
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Mailed to All Creditors and Parties in Interest.